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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Working Group on Minorities
Third session
26-30 May 1997

ANNOTATIONS TO THE DRAFT PROVISIONAL AGENDA

Note by the Secretary-General

Introduction

1. The establishment of the Working Group on Minorities was recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1994/4 of 19 August 1994 and authorized by the Commission on Human Rights in its resolution 1995/24 of 3 March 1995, in which it called upon the Sub-Commission to examine, as a matter of priority, ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December 1992. For that purpose it authorized the Sub-Commission to establish, initially for a three-year period, an inter-sessional working group. This resolution was subsequently endorsed by the Economic and Social Council in its resolution 1995/31 of 25 July 1995.
2. At its first session, held at the United Nations Office at Geneva from 28 August to 1 September 1995, the Working Group elected Mr. Asbjörn Eide as Chairman-Rapporteur for the duration of its three-year mandate.
3. The third session of the Working Group is scheduled to be held at the United Nations Office at Geneva from 26 to 30 May 1997.

1. Adoption of the agenda

4. The provisional agenda for the third session of the Working Group contained in document E/CN.4/Sub.2/AC.5/1997/1, includes items on the promotion of the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Commission on Human Rights, in its resolution 1995/24, requested the Working Group to give priority consideration to the three main items contained in paragraph 9 of that resolution, namely:

(a) To review the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(b) To examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments;

(c) To recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

5. In accordance with the above paragraph, the Working Group decided to discuss, at its present session, the following issues in the following order: reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; examining possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments; recommending further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities; the future role of the Working Group; and other matters.

2. Organization of work

6. It is envisaged that the number of meetings for each agenda item will be as follows: four meetings for agenda item 3 (a); three meetings for agenda item 3 (b); two meetings for agenda item 3 (c); and one meeting for agenda items 4 and 5.

7. In accordance with paragraph 208 of the report of the Working Group at its second session (E/CN.4/Sub.2/1996/28) and paragraph 8 of Sub-Commission resolution 1996/17, the Working Group is organizing a seminar on intercultural education on 23 and 24 May 1997.

3. (a) Reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

8. Under this item the Working Group decided to categorize the issues to be discussed according to their occurrence at the national, bilateral, regional and international levels. At the national level, the Working Group decided at its second session to focus in particular on the right of persons belonging to

minorities to enjoy their own culture (art. 2.1 of the Declaration); to use their own language in private and in public, to learn their mother tongue and to have instruction in their mother tongue (arts. 2.1 and 4.3); and on the measures undertaken by States in the field of education to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory (art. 4.4). At the international level, the contributions by United Nations organs and bodies, specialized agencies and other entities of the United Nations to the realization of the rights and principles set forth in the Declaration (art. 9) have been identified as the major issues. The Working Group will have before it the working paper prepared by Mr. Alfredsson on the implementation of the rights of persons belonging to minorities (E/CN.4/Sub.2/AC.5/1997/WP.8).

(i) At the national level:

(a) Constitutional and main legal provisions protecting the existence and identity of minorities (art. 1.1). All participants, irrespective of their status, are welcome to submit information and proposals on this subject;

(b) The rights of persons belonging to minorities, individually or in community with other members of their group, to enjoy their own culture, to profess and practise their own religion and to use their own language, in private and in public (arts. 2.1 and 3). For this purpose, information on legislative and administrative measures and on positive examples of the application of those rights is encouraged. The Working Group will have before it the working paper on the rights of linguistic minorities prepared by Mr. de Varennes (E/CN.4/Sub.2/AC.5/1997/WP.6) and the working paper on the right of persons belonging to minorities to enjoy their own culture prepared by Ms. Schulte-Tenckhoff (E/CN.4/Sub.2/AC.5/1997/WP.7);

(c) Effective participation by members of minorities, individually or in community with others, including (i) effective participation in cultural, religious, social, economic and public life (art. 2.2); (ii) effective participation in decisions at the national and regional levels concerning the minority to which they belong or the regions in which they live (art. 2.3); (iii) the right of persons belonging to minorities to establish and maintain their own associations (art. 2.4); and (iv) the participation by persons belonging to minorities in the economic progress and development of their country (art. 4.5);

(d) The value and content of education aimed at protecting the cultural identity of persons belonging to minorities, including the right to learn and have instruction in their mother tongue (art. 4.3). The Working Group will have before it the working papers prepared by Mr. Bengoa on education and minorities (E/CN.4/Sub.2/AC.5/1997/WP.2) and by Mr. Eide on educational rights and minorities (E/CN.4/Sub.2/AC.5/1997/WP.3);

(e) The value and content of intercultural education in providing persons belonging to minorities with adequate opportunities to gain knowledge of the society as a whole (art. 4.4) and in fostering reciprocal understanding and tolerance among all groups. The Working Group will have before it the report of the seminar on intercultural education (E/CN.4/Sub.2/AC.5/1997/WP.5);

(f) The need to pay due regard to the legitimate interests of persons belonging to minorities in national policies and programmes (art. 5.1);

(g) The role of national institutions.

(ii) At the bilateral and regional levels:

(a) The existence, use and value of bilateral treaties and similar agreements on good neighbourly relations and on the treatment of persons belonging to minorities; inclusion in such treaties of the rights of persons belonging to minorities as contained in the Declaration;

(b) The existence, use of and experiences with regional mechanisms for the protection of persons belonging to minorities, in accordance with the Declaration.

(iii) At the international level:

(a) Cooperation among States on questions relating to persons belonging to minorities, in accordance with the Declaration, including, inter alia, exchanging information and experiences in order to promote mutual understanding and confidence (arts. 6 and 7);

(b) The role of the United Nations High Commissioner for Human Rights, the Commission and the Sub-Commission and the United Nations programme of advisory services and technical assistance;

(c) The role of the treaty bodies including the Human Rights Committee (HRC), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Rights of the Child (CRC), the Committee on Economic, Social and Cultural Rights (CESCR) and the Committee against Torture (CAT);

(d) The role of United Nations bodies and specialized agencies;

(e) The role of international financial institutions;

(f) The role of non-governmental organizations.

3. (b) Examining possible solutions to problems involving minorities including the promotion of mutual understanding between and among minorities and Governments -

9. Under this item, the Working Group decided at its first and second sessions to discuss the following:

(a) Examination of the causes and nature of the problems affecting minorities and group accommodation, and their possible solutions;

(b) Examination of issues relating to forcible displacement of populations, including threats of removal, and the return of persons who have been displaced;

(c) Technical cooperation as a contribution to solutions;

(d) National recourse and conciliation machineries, including national commissions or councils, community mediation and other forms of voluntary dispute avoidance or settlement, and mechanisms for dialogue between and among minorities and Governments;

(e) Prevention and early warning mechanisms;

(f) The rights of minorities and the role of the media. The Working Group will have before it the working paper prepared by Mr. Khalil on the rights of minorities and the role of the media (E/CN.4/AC.5/1997/WP.4).

3. (c) Recommending further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities

10. The Working Group decided, at its first and second sessions, that it would continue to call on observers to consider further measures for the protection of persons belonging to minorities which could act as examples or be replicated.

4. The future role of the Working Group

11. The Working Group recommended that, in accordance with its mandate, it should continue to act as a forum for dialogue and exchange of ideas, information and experiences with a view to the elaboration of proposals for constructive group accommodation and further measures to promote and protect the rights of persons belonging to minorities.

5. Other matters

12. Under this item, members of the Working Group may consider a range of issues relating to its mandate, including the definition of minorities. The Working Group will have before it the working paper prepared by Mr. Chernichenko on the definition of minorities (E/CN.4/Sub.2/AC.5/1997/WP.1).
